

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

UNITED STATES SECURITIES AND
EXCHANGE COMMISSION,

Plaintiff,

v.

TOMER FEINGOLD and
DOV MALNIK,

Defendants,

and

ADAMAS HEALTHCARE FUND,
AMISERVICE DEVELOPMENT LIMITED,
AMPLE VANTAGE TRADING LIMITED,
BRAVO BUSINESS LIMITED, KURAY
INVESTMENTS LIMITED, MIGNON GROUP
LIMITED, UPBEAT WORLDWIDE
INVESTMENTS LIMITED,

Relief Defendants.

Civil Action No. 20-cv-1881

**PLAINTIFF’S APPLICATION FOR AN ORDER TO SHOW CAUSE,
TEMPORARY RESTRAINING ORDER FREEZING ASSETS, AND
GRANTING OTHER RELIEF**

Pursuant to Section 20(b) and 20(d)(1) of the Securities Act of 1933, 15 U.S.C. § 77t(b) and (d)(1), Section 21(d) of the Securities Exchange Act of 1934, 15 U.S.C. § 78u(d), and Federal Rule of Civil Procedure 65(b), plaintiff Securities and Exchange Commission (the “Commission”) moves this Court in the United States District Court for the Southern District of New York to: (i) issue a temporary restraining order freezing the assets, including the Interactive Brokers LLC brokerage accounts (collectively, the “Feingold-Malnik IB Accounts”) in the name of, or held for the benefit of, Defendants Tomer Feingold (“Feingold”) and Dov Malnik (“Malnik”) and/or Relief Defendants Adamas Healthcare Fund (“Adamas Healthcare”), Amiservice Development Limited (“Amiservice”), Ample Vantage Trading Limited (“Ample

Vantage”), Bravo Business Limited (“Bravo Business”), Kuray Investments Limited (“Kuray”), Mignon Group Limited (“Mignon Group”), and Upbeat Worldwide Investments Limited (“Upbeat Worldwide”); and (ii) authorize service of these papers, including the Complaint and any resulting Order by alternative means (specifically, by email). The relief is necessary to preserve the status quo pending a more fulsome hearing regarding the Application.

In support of this motion, the Commission incorporates by reference the complaint, the accompanying memorandum of law and the Declaration of John Rymas dated April 8, 2020 (with attached exhibits).

Pursuant to Federal Rule of Civil Procedure 65(b) and Local Rule 6.1, counsel for the Commission has certified in the attached Declaration that no efforts have been made to give notice to the Defendants and/or Relief Defendants. Providing notice to the Defendants and/or Relief Defendants would alert them to the Commission’s efforts to obtain this emergency relief against them and provide an opportunity to transfer ill-gotten gains or otherwise dissipate assets. Indeed, as discussed in greater detail herein, on March 25, 2020, Interactive Brokers LLC received a request to transfer approximately \$210,000 from the Ample Vantage account to a bank account in Singapore, which would impede the Commission’s ability to obtain critical relief, including the disgorgement of ill-gotten gains and a civil penalty.

Through this Application, the Commission further seeks authorization to serve the Defendants and Relief Defendants the Order to Show Cause and all related documents, including the Complaint, by alternative means (e-mail). The Commission has located valid e-mail addresses for all of the Defendants and Relief Defendants, and hereby seeks the Court’s permission for both the Commission and Interactive Brokers LLC to immediately provide notice

to the Defendants and the Relief Defendants by e-mail, should the Court grant the Commission's Application.

For all the reasons set forth in the supporting memorandum of law and the other documents cited above, the Commission respectfully requests that the Court grant this motion.

Dated: April 8, 2020

Respectfully submitted,

On behalf of the Commission,

Assunta Vivolo

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*Not admitted in the S.D.N.Y.; *pro hac vice*
applications pending before the Court.